

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 09-287
v.	*	SECTION: "J"
TYRONE ANTHONY MORGAN	*	
	*	*

FACTUAL BASIS

Should this matter proceed to trial, the United States of America will prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

On April 28, 2009, at approximately 7:46 a.m., an unknown male person placed a telephone call to (985) 535-2241, which belongs to Marathon Oil in Garyville, Louisiana, from a number later determined to be cellular telephone number (225) 364-4429. The caller was later determined to be the defendant, TYRONE ANTHONY MORGAN. This telephone call was answered by Marathon Oil security representative Angie Duhe. MORGAN claimed to have overheard two men discussing placing a bomb at Marathon Oil while he was using a portable toilet at the facility and that he was scared. Duhe placed MORGAN on hold at which time he hung up.

A grand jury subpoena was issued to Reserve Telephone Company for telephonic activity on Marathon Oil's telephone lines encompassing the above date and time and the target number of (225) 364-4429 was identified. This subpoena was necessitated by the fact that MORGAN disguised his number by dialing *67.

Another grand jury subpoena was issued to Verizon Wireless for subscriber information for telephone number (225) 364-4429. Information provided in response to this subpoena showed that the subscriber for this wireless number is MORGAN. A subsequent grand jury subpoena to Verizon Wireless for call activity on MORGAN's account showed that MORGAN called 411 information immediately prior to calling Marathon Oil. In addition, the subpoena revealed that MORGAN disguised his number by dialing *67 prior to dialing the number for Marathon Oil.

On April 28, 2009, at approximately 8:24 a.m., MORGAN called from his cellular telephone number to Marathon Oil again. This call was answered by a Marathon Oil operator, but immediately transferred to Marathon Oil security representative Angie Duhe. Duhe identified the voice of the caller as being the same person who called at 7:46 a.m. MORGAN again told Duhe that he had overheard two men discussing placing a bomb at Marathon Oil, that he was scared, and that he wanted to know what security was going to do about it. Duhe gave the telephone to her supervisor. This supervisor attempted to get MORGAN to identify himself and his location by telling the caller that he would send someone out to talk to him. MORGAN told the supervisor that his name was "Derek" (phonetic) and that he was working in the Sulfur unit. MORGAN then told the supervisor that he was scared and was thinking about calling his wife and telling her to come pick him up from work. When the supervisor requested MORGAN's last name, the call was terminated. Information

provided by the aforementioned subpoena revealed that MORGAN again disguised his number by dialing *67.

On April 28, 2009, at approximately 9:36 a.m., a telephone call was placed by MORGAN using his previously identified cellular telephone to (985) 652-9513, belonging to the St. John's Parish Sheriff's Office (SJSO). MORGAN asked the SJSO operator if the Sheriff's Office had been informed of a bomb at Marathon Oil, and if they were going to respond. SJSO recorded the telephone call and, upon reviewing the audio file, your affiant learned that MORGAN was interrupted during the call by another party, and has a brief conversation with the interrupting party. The conversation between MORGAN and the interrupting party involves a construction related work matter. Specifically the conversation involves using a grinder on a piece of pipe located in an elevated work space. MORGAN is employed by Performance Contractors, Inc. at Marathon Oil as a pipefitter and, according to Performance Contractor's Job Safety Analysis Sheets for April 28, 2009, had access to a grinder and his crew was working in an area with elevated workspace. Information provided by the aforementioned subpoena revealed that MORGAN again disguised his number by dialing *67.

On May 4, 2009, at approximately 6:17 a.m., a telephone call was placed by MORGAN using his previously identified cellular telephone to Marathon Oil's previously identified telephone number. This call was answered by Marathon Oil security representative Judy Dufrene. MORGAN told Dufrene that he had a bomb and that they needed to get everyone out of the area. Dufrene asked MORGAN who he was and where he was located. Dufrene told MORGAN that she would transfer him to her Lieutenant, Rose Defelle. MORGAN hung up without identifying himself. Information provided by the aforementioned subpoena to Verizon Wireless for call activity revealed that

MORGAN called 411 information immediately prior to calling Marathon Oil, and again disguised his number by dialing *67.

On May 4, 2009, at approximately 6:32 a.m., MORGAN placed another call to Marathon Oil's previously identified telephone number using his cellular telephone. Marathon Security representative Rose Defelle answered this call. MORGAN told Defelle that he had overheard another individual stating that he had a bomb. Defelle asked MORGAN where he was and who he worked for. MORGAN told her he was at the new coker and that he worked for Performance. Defelle told MORGAN that she wanted to send someone to talk to him. MORGAN stopped talking to Defelle and had a conversation with someone in the background. Defelle asked MORGAN his name and MORGAN replied, "Derek Johnson", and hung up. Information provided by the aforementioned subpoena revealed that MORGAN again disguised his number by dialing *67.

FBI Task Force Officer (TFO) Todd Hymel obtained a Compact Disk - Recordable (CD-R) containing a recording of the April 28, 2009 telephone call from MORGAN to the SJSO detailed above. TFO Hymel emailed a copy of this audio file to the Security Director for Marathon Oil.

Marathon Oil's Security Director played the audio file for Angie Duhe and asked Duhe if the person recorded by SJSO on April 28, 2009 was the same as the person with whom she spoke twice on April 28, 2009. Duhe stated that she was certain that it was the same person and later restated this to TFO Hymel telephonically.

The audio file was played for Rose Defelle and Defelle identified the taped voice as the same voice she heard on the telephone on May 4, 2009. Defelle later restated this to TFO Hymel.

On May 27, 2009, TFO Hymel interviewed MORGAN's coworkers identified by Performance Contractors, Inc. Job Safety Analysis sheets as having worked with MORGAN on April 28, 2009. TFO Hymel played the aforementioned CD-R privately for each of them. Seven of MORGAN's coworkers positively identified the voice as that of MORGAN.

TFO Hymel asked each of MORGAN's interviewed coworkers to attempt to identify the voice of the person with whom MORGAN engages in conversation during the call. Six of MORGAN's coworkers were able to identify the voice of this person as that of Jorge Diaz. Diaz is a coworker of MORGAN.

On April 28, 2009, MORGAN made numerous calls to, and received numerous calls on his cellular telephone from (225) 769-0277. These calls are in very close proximity to the 7:45 a.m. and 8:24 a.m. calls to Marathon Oil as well as the 9:36 call to the SJSO. This telephone number was identified as that of Rachel Duhe Morgan, the defendant's wife.

Phone records further revealed that immediately before and after the 6:17 a.m call on May 4, 2009, to Marathon Oil, wherein MORGAN told Judy Dufrene that he had a bomb and the follow-up call placed at 6:32 a.m., MORGAN was in contact with telephone number (225) 436-6320. That number was identified as the cellular telephone number of MORGAN'S wife, Rachelle Duhe Morgan.

The foregoing facts would have been proven by the testimony of Special Agents of the Federal Bureau of Investigation, employees of the St. John's Parish Sheriff's Office, other witnesses, and the production of various documents.

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GREGORY M. KENNEDY (Date)
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TYRONE ANTHONY MORGAN (Date)
Defendant